

estimates that most providers of local exchange service are small entities that may be affected by the rules and policies adopted. Thus under this category and the associated small business size standard, the majority of these incumbent local exchange service providers can be considered small providers.<sup>92</sup>

26. *Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers.* Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees.<sup>93</sup> Census Bureau data for 2007, which now supersede data from the 2002 Census, show that there were 3,188 firms in this category that operated for the entire year. Of this total, 3,144 had employment of 999 or fewer, and 44 firms had had employment of 1,000 employees or more. Thus under this category and the associated small business size standard, the majority of these Competitive LECs, CAPs, Shared-Tenant Service Providers, and Other Local Service Providers can be considered small entities.<sup>94</sup> According to Commission data, 1,442 carriers reported that they were engaged in the provision of either competitive local exchange services or competitive access provider services.<sup>95</sup> Of these 1,442 carriers, an estimated 1,256 have 1,500 or fewer employees and 186 have more than 1,500 employees.<sup>96</sup> In addition, 17 carriers have reported that they are Shared-Tenant Service Providers, and all 17 are estimated to have 1,500 or fewer employees.<sup>97</sup> In addition, 72 carriers have reported that they are Other Local Service Providers.<sup>98</sup> Of the 72, seventy have 1,500 or fewer employees and two have more than 1,500 employees.<sup>99</sup> Consequently, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and Other Local Service Providers are small entities that may be affected by rules adopted pursuant to the NPRM.

27. *Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.* The Census Bureau defines this category as follows: "This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment."<sup>100</sup> The SBA has developed a small business size standard for Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, which is: all such firms having 750 or fewer employees. According to Census Bureau data for 2007, there were a total of 939 establishments in this category that operated for part or all of the entire year. According to Census Bureau data for 2007, there were a total of

<sup>92</sup> See [http://factfinder.census.gov/servlet/IBQTable?\\_bm=y&-fds\\_name=EC0700A1&-geo\\_id=&-skip=600&-ds\\_name=EC0751SSSZ5&-lang=en](http://factfinder.census.gov/servlet/IBQTable?_bm=y&-fds_name=EC0700A1&-geo_id=&-skip=600&-ds_name=EC0751SSSZ5&-lang=en).

<sup>93</sup> 13 C.F.R. § 121.201, NAICS code 517110.

<sup>94</sup> See [http://factfinder.census.gov/servlet/IBQTable?\\_bm=y&-fds\\_name=EC0700A1&-geo\\_id=&-skip=600&-ds\\_name=EC0751SSSZ5&-lang=en](http://factfinder.census.gov/servlet/IBQTable?_bm=y&-fds_name=EC0700A1&-geo_id=&-skip=600&-ds_name=EC0751SSSZ5&-lang=en).

<sup>95</sup> See *Trends in Telephone Service* at Table 5.3.

<sup>96</sup> See *id.*

<sup>97</sup> See *id.*

<sup>98</sup> See *id.*

<sup>99</sup> See *id.*

<sup>100</sup> The NAICS Code for this service 334220. See 13 C.F.R. § 121.201. See also [http://factfinder.census.gov/servlet/IBQTable?\\_bm=y&-fds\\_name=EC0700A1&-geo\\_id=&-skip=300&-ds\\_name=EC0731SG2&-lang=en](http://factfinder.census.gov/servlet/IBQTable?_bm=y&-fds_name=EC0700A1&-geo_id=&-skip=300&-ds_name=EC0731SG2&-lang=en).



919 firms in this category that operated for the entire year. Of this total, 771 had less than 100 employees and 148 had more than 100 employees.<sup>101</sup> Thus, under that size standard, the majority of firms can be considered small.

28. *Audio and Video Equipment Manufacturing.* The SBA has classified the manufacturing of audio and video equipment under the NAICS Codes classification scheme as an industry in which a manufacturer is small if it has less than 750 employees.<sup>102</sup> Data contained in the 2007 U.S. Census indicate that 491 establishments operated in that industry for all or part of that year. In that year, 376 establishments had between 1 and 19 employees; 80 had between 20 and 99 employees; and 35 had more than 100 employees.<sup>103</sup> Thus, under the applicable size standard, a majority of manufacturers of audio and video equipment may be considered small.

29. *Internet Publishing and Broadcasting and Web Search Portals.* The Census Bureau defines this category to include “. . . establishments primarily engaged in 1) publishing and/or broadcasting content on the Internet exclusively or 2) operating Web sites that use a search engine to generate and maintain extensive databases of Internet addresses and content in an easily searchable format (and known as Web search portals). The publishing and broadcasting establishments in this industry do not provide traditional (non-Internet) versions of the content that they publish or broadcast. They provide textual, audio, and/or video content of general or specific interest on the Internet exclusively. Establishments known as Web search portals often provide additional Internet services, such as e-mail, connections to other web sites, auctions, news, and other limited content, and serve as a home base for Internet users.”

30. In this category, the SBA has deemed an Internet publisher or Internet broadcaster or the provider of a web search portal on the Internet to be small if it has fewer than 500 employees.<sup>104</sup> For this category of manufacturers, Census data for 2007, which supersede similar data from the 2002 Census, show that there were 2,705 such firms that operated that year.<sup>105</sup> Of those 2,705 firms, 2,682 (approximately 99%) had fewer than 500 employees and, thus, would be deemed small under the applicable SBA size standard.<sup>106</sup> Accordingly, the majority of establishments in this category can be considered small under that standard.

31. *Closed Captioning Services.* These entities would be indirectly affected by our action. The SBA has developed two small business size standards that may be used for closed captioning services. The two size standards track the economic census categories, “Teleproduction and Other Postproduction Services” and “Court Reporting and Stenotype Services.”

32. The first category of *Teleproduction and Other Postproduction Services* “comprises establishments primarily engaged in providing specialized motion picture or video postproduction services, such as editing, film/tape transfers, subtitling, credits, closed captioning, and animation and special effects.” The relevant size standard for small businesses in these services is an annual revenue of

<sup>101</sup> See [http://factfinder.census.gov/servlet/IBQTable?\\_bm=y&-geo\\_id=&-fds\\_name=EC0700A1&-skip=4500&-ds\\_name=EC0731SG3&-lang=en](http://factfinder.census.gov/servlet/IBQTable?_bm=y&-geo_id=&-fds_name=EC0700A1&-skip=4500&-ds_name=EC0731SG3&-lang=en).

<sup>102</sup> 13 CFR § 121.201, NAICS Code 334310.

<sup>103</sup> [http://factfinder.census.gov/servlet/IBQTable?\\_bm=y&-geo\\_id=&-skip=300&-ds\\_name=EC0731I1&-lang=en](http://factfinder.census.gov/servlet/IBQTable?_bm=y&-geo_id=&-skip=300&-ds_name=EC0731I1&-lang=en).

<sup>104</sup> 13 C.F.R. § 121.201, NAICS Code 519130.

<sup>105</sup> U.S. Census Bureau, American FactFinder, 2007 Economic Census, Industry Series, Industry Statistics by Employment Size, NAICS code 519130 (rel. Nov. 19, 2010); <http://factfinder.census.gov>.

<sup>106</sup> *Id.*



less than \$29.5 million.<sup>107</sup> For this category, Census Bureau Data for 2007 indicate that there were 1,605 firms that operated in this category for the entire year. Of that number, 1,597 had receipts totaling less than \$29,500,000.<sup>108</sup> Consequently we estimate that the majority of Teleproduction and Other Postproduction Services firms are small entities that might be affected by our action.

33. The second category of *Court Reporting and Stenotype Services* “comprises establishments primarily engaged in providing verbatim reporting and stenotype recording of live legal proceedings and transcribing subsequent recorded materials.” The size standard for small businesses in these services is an annual revenue of less than \$7 million.<sup>109</sup> For this category, Census Bureau data for 2007 show that there were 2,706 firms that operated for the entire year. Of this total, 2,590 had annual receipts of under \$5 million, and 19 firms had receipts of \$5 million to \$9,999,999.<sup>110</sup> Consequently, we estimate that the majority of Court Reporting and Stenotype Services firms are small entities that might be affected by our action.

**E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities**

34. The rules adopted in the *Report and Order* generally require VPOs to send required caption files for IP-delivered video programming to VPDs along with program files. The rules also require VPDs to enable the rendering or pass through of all required captions to the end user. Further, the rules impose closed captioning requirements on certain apparatus that receive or play back video programming, and on certain recording devices.

35. The rules will require VPOs and VPDs to agree upon a “mechanism” that will make available to the VPD information on video programming subject to the IP closed captioning requirements on an ongoing basis. The “mechanism” may involve a system of certifications that are kept up-to-date, or it may involve the use of a third-party database, private contractual arrangements, or another “mechanism” agreed upon by the parties.

36. The *Report and Order* creates a process by which VPDs and VPOs may petition the Commission for a full or partial exemption of the requirements for closed captioning of IP-delivered video programming, which the Commission may grant upon a finding that the requirements would be economically burdensome. Further, the *Report and Order* creates a process by which manufacturers of apparatus may petition the Commission for a full or partial exemption of the requirements to implement closed captioning in their apparatus, which the Commission may grant upon a finding that implementation would not be achievable, technically feasible, that the apparatus is a display only monitor, or that purpose of the apparatus is such that the rules are inapplicable. The *Report and Order* also adopts procedures for complaints alleging a violation of the IP closed captioning rules, and it requires VPDs to make contact information available to end users for the receipt and handling of written IP closed captioning complaints.

**F. Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered**

<sup>107</sup> U.S. Census Bureau, 2002 NAICS Definitions, “512191 Teleproduction and Other Postproduction Services”; <http://www.census.gov/epcd/naics02/def/NDEF512.HTM>. The size standard is \$29.5 million.

<sup>108</sup> [http://factfinder.census.gov/servlet/IBQTable?\\_bm=y&-geo\\_id=&-skip=300&-ds\\_name=EC0751SSSZ5&-lang=en](http://factfinder.census.gov/servlet/IBQTable?_bm=y&-geo_id=&-skip=300&-ds_name=EC0751SSSZ5&-lang=en).

<sup>109</sup> U.S. Census Bureau, 2002 NAICS Definitions, “561492 Court Reporting and Stenotype Services”; <http://www.census.gov/epcd/naics02/def/NDEF561.HTM>. The size standard is \$7 million.

<sup>110</sup> [http://factfinder.census.gov/servlet/IBQTable?\\_bm=y&-geo\\_id=&-fds\\_name=EC0700A1&-skip=400&-ds\\_name=EC0756SSSZ4&-lang=en](http://factfinder.census.gov/servlet/IBQTable?_bm=y&-geo_id=&-fds_name=EC0700A1&-skip=400&-ds_name=EC0756SSSZ4&-lang=en).

37. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.<sup>111</sup>

38. These rules may have a significant economic impact in some cases, and that impact may affect a substantial number of small entities. Although alternatives to minimize economic impact have been considered, we note that our action is governed by the congressional mandate contained in Sections 202(b), (c), and 203 of the CVAA. The *Report and Order* adopts procedures enabling the Commission to grant exemptions to the rules governing closed captioning of IP-delivered video programming pursuant to Section 202 of the CVAA, where a petitioner has shown that compliance would present an economic burden (*i.e.*, a significant difficulty or expense), and pursuant to Section 203 of the CVAA, where a petitioner has shown that compliance is not achievable (*i.e.*, cannot be accomplished with reasonable effort or expense) or not technically feasible. This exemption process will allow the Commission to address the impact of the rules on individual entities, including smaller entities, and to modify the application of the rules to accommodate individual circumstances. Further, the *Report and Order* provides that a *de minimis* failure to comply with the requirements adopted pursuant to Section 202 of the CVAA shall not be treated as a violation, and it provides that parties may use alternate means of compliance to the rules adopted pursuant to either Section 202 or Section 203 of the CVAA. Individual entities, including smaller entities, may benefit from these provisions.

39. To fulfill the statutory mandate that the Commission “establish a mechanism to make available to video programming providers and distributors information on video programming subject to the Act on an ongoing basis,”<sup>112</sup> the *NPRM* proposed a system of certifications and updated certifications. Due to concerns that such a system may be burdensome for entities that must comply, including smaller entities, in the *Report and Order* the Commission instead adopted a flexible process by which VPOs and VPDs must agree upon a “mechanism” to make available to the VPD information on video programming subject to the IP closed captioning requirements on an ongoing basis.

**G. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules**

40. None.

**H. Report to Congress**

41. The Commission will send a copy of the *Report and Order*, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act.<sup>113</sup> In addition, the Commission will send a copy of the *Report and Order*, including this FRFA, to the Chief Counsel for Advocacy of the SBA. The *Report and Order* and FRFA (or summaries thereof) will also be published in the Federal Register.<sup>114</sup>

<sup>111</sup> 5 U.S.C. § 603(c)(1)-(c)(4).

<sup>112</sup> 47 U.S.C. § 613(c)(2)(D)(v).

<sup>113</sup> See 5 U.S.C. § 801(a)(1)(A).

<sup>114</sup> See 5 U.S.C. § 604(b).

## APPENDIX D

## Relevant Provisions of the CVAA

## SEC. 202. VIDEO DESCRIPTION AND CLOSED CAPTIONING.

\* \* \*

(b) Closed Captioning on Video Programming Delivered Using Internet Protocol- Section 713 of such Act is further amended by striking subsection (c) and inserting the following:

(c) Deadlines for Captioning-

(1) IN GENERAL- The regulations prescribed pursuant to subsection (b) shall include an appropriate schedule of deadlines for the provision of closed captioning of video programming once published or exhibited on television.

(2) DEADLINES FOR PROGRAMMING DELIVERED USING INTERNET PROTOCOL-

(A) REGULATIONS ON CLOSED CAPTIONING ON VIDEO PROGRAMMING DELIVERED USING INTERNET PROTOCOL- Not later than 6 months after the submission of the report to the Commission required by subsection (e)(1) of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall revise its regulations to require the provision of closed captioning on video programming delivered using Internet protocol that was published or exhibited on television with captions after the effective date of such regulations.

(B) SCHEDULE- The regulations prescribed under this paragraph shall include an appropriate schedule of deadlines for the provision of closed captioning, taking into account whether such programming is prerecorded and edited for Internet distribution, or whether such programming is live or near-live and not edited for Internet distribution.

(C) COST- The Commission may delay or waive the regulation promulgated under subparagraph (A) to the extent the Commission finds that the application of the regulation to live video programming delivered using Internet protocol with captions after the effective date of such regulations would be economically burdensome to providers of video programming or program owners.

(D) REQUIREMENTS FOR REGULATIONS- The regulations prescribed under this paragraph--

(i) shall contain a definition of 'near-live programming' and 'edited for Internet distribution';

(ii) may exempt any service, class of service, program, class of program, equipment, or class of equipment for which the Commission has determined that the application of such regulations would be economically burdensome for the provider of such service, program, or equipment;

(iii) shall clarify that, for the purposes of implementation, of this subsection, the terms 'video programming distributors' and 'video programming providers' include an entity that makes available directly to the end user video programming through a distribution method that uses Internet protocol;

(iv) and describe the responsibilities of video programming providers or

distributors and video programming owners;

`(v) shall establish a mechanism to make available to video programming providers and distributors information on video programming subject to the Act on an ongoing basis;

`(vi) shall consider that the video programming provider or distributor shall be deemed in compliance if such entity enables the rendering or pass through of closed captions and makes a good faith effort to identify video programming subject to the Act using the mechanism created in (v); and

`(vii) shall provide that de minimis failure to comply with such regulations by a video programming provider or owner shall not be treated as a violation of the regulations.

`(3) Alternate means of compliance- An entity may meet the requirements of this section through alternate means than those prescribed by regulations pursuant to subsection (b), as revised pursuant to paragraph (2)(A) of this subsection, if the requirements of this section are met, as determined by the Commission.'

(c) Conforming Amendment- Section 713(d) of such Act is amended by striking paragraph (3) and inserting the following:

`(3) a provider of video programming or program owner may petition the Commission for an exemption from the requirements of this section, and the Commission may grant such petition upon a showing that the requirements contained in this section would be economically burdensome. During the pendency of such a petition, such provider or owner shall be exempt from the requirements of this section. The Commission shall act to grant or deny any such petition, in whole or in part, within 6 months after the Commission receives such petition, unless the Commission finds that an extension of the 6-month period is necessary to determine whether such requirements are economically burdensome.'

## **SEC. 203. CLOSED CAPTIONING DECODER AND VIDEO DESCRIPTION CAPABILITY.**

(a) Authority to Regulate- Section 303(u) of the Communications Act of 1934 (47 U.S.C. 303(u)) is amended to read as follows:

`(u) Require that, if technically feasible--

`(1) apparatus designed to receive or play back video programming transmitted simultaneously with sound, if such apparatus is manufactured in the United States or imported for use in the United States and uses a picture screen of any size--

`(A) be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming;

`(B) have the capability to decode and make available the transmission and delivery of video description services as required by regulations reinstated and modified pursuant to section 713(f); and

`(C) have the capability to decode and make available emergency information (as that term is defined in section 79.2 of the Commission's regulations (47 CFR 79.2)) in a manner that is accessible to individuals who are blind or visually impaired; and

`(2) notwithstanding paragraph (1) of this subsection--



`(A) apparatus described in such paragraph that use a picture screen that is less than 13 inches in size meet the requirements of subparagraph (A), (B), or (C) of such paragraph only if the requirements of such subparagraphs are achievable (as defined in section 716);

`(B) any apparatus or class of apparatus that are display-only video monitors with no playback capability are exempt from the requirements of such paragraph; and

`(C) the Commission shall have the authority, on its own motion or in response to a petition by a manufacturer, to waive the requirements of this subsection for any apparatus or class of apparatus--

`(i) primarily designed for activities other than receiving or playing back video programming transmitted simultaneously with sound; or

`(ii) for equipment designed for multiple purposes, capable of receiving or playing video programming transmitted simultaneously with sound but whose essential utility is derived from other purposes.'.

(b) Other Devices- Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding at the end the following new subsection:

`(z) Require that--

`(1) if achievable (as defined in section 716), apparatus designed to record video programming transmitted simultaneously with sound, if such apparatus is manufactured in the United States or imported for use in the United States, enable the rendering or the pass through of closed captions, video description signals, and emergency information (as that term is defined in section 79.2 of title 47, Code of Federal Regulations) such that viewers are able to activate and de-activate the closed captions and video description as the video programming is played back on a picture screen of any size; and

`(2) interconnection mechanisms and standards for digital video source devices are available to carry from the source device to the consumer equipment the information necessary to permit or render the display of closed captions and to make encoded video description and emergency information audible.'.

(c) Shipment in Commerce- Section 330(b) of the Communications Act of 1934 (47 U.S.C. 330(b)) is amended--

(1) by striking '303(u)' in the first sentence and inserting '303(u) and (z)';

(2) by striking the second sentence and inserting the following: 'Such rules shall provide performance and display standards for such built-in decoder circuitry or capability designed to display closed captioned video programming, the transmission and delivery of video description services, and the conveyance of emergency information as required by section 303 of this Act.'; and

(3) in the fourth sentence, by striking 'closed-captioning service continues' and inserting 'closed-captioning service and video description service continue'.

(d) Implementing Regulations- The Federal Communications Commission shall prescribe such regulations as are necessary to implement the requirements of sections 303(u), 303(z), and 330(b) of the Communications Act of 1934, as amended by this section, including any technical standards, protocols, and procedures needed for the transmission of--

- (1) closed captioning within 6 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(1); and
- (2) video description and emergency information within 18 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2).

(e) Alternate Means of Compliance- An entity may meet the requirements of sections 303(u), 303(z), and 330(b) of the Communications Act of 1934 through alternate means than those prescribed by regulations pursuant to subsection (d) if the requirements of those sections are met, as determined by the Commission.



**CONCURRING STATEMENT OF  
COMMISSIONER ROBERT M. McDOWELL**

*Re: Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, (MB Docket No. 11-154)*

In the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), Congress mandated that we adopt close captioning requirements for previously-televised content delivered using Internet protocol (IP) and for certain devices that display video programming. I have been a steadfast proponent of ensuring the accessibility of communications services for disabled Americans and am supportive of promoting a better Internet video programming experience for the deaf and hard of hearing. In light of the growth and popularity of online content, I recognize the importance of our action today to ensure full access to the Internet for the disabled community. Such rules, however, have to be carefully crafted to weigh these benefits against the costs they may place on programming owners and distributors. Although I will do as Congress has directed, I am concerned that, in implementing this statute, we may not have achieved this desired balance. For this reason, I vote to concur.

Today, we adopt rules requiring, under tight timeframes, a new IP captioning scheme that includes captioning for new content and programming already contained on the Internet, quality standards, and the creation of a mechanism for video owners to inform distributors about programming subject to these requirements, amongst others. Although I wholeheartedly share the desire to help disabled Americans empower themselves, I fear that these regulations could infringe upon the First Amendment rights of content creators. Pragmatically, although our intentions are good, I am also concerned that our actions today may result in the withholding of content from the Internet, either temporarily or permanently, and the removal of programming that is currently available to all consumers to avoid enforcement action. I am pleased that Congress specifically mandated that a *de minimis* failure to comply with the regulations will not be considered a violation. I urge the Commission to remain mindful of this when investigating potential infringements.

Further, I am concerned that the caption performance and display standards, which will be complicated due to the diversity of devices and screen sizes covered, may be unworkable in many instances and burdensome to manufacturers. I also wonder whether we may be raising undue expectations regarding the availability of IP closed captioning. Although we require new content to be captioned on a rolling basis over the next year and a half, devices are not required to be compliant until January 1, 2014.

Thankfully, Congress provided the Commission with generous authority to grant case-by-case exemptions from these captioning rules. I hope that such waivers will be reasonably provided to alleviate burdens on video programming owners, providers and device manufacturers in the event that our rules cause unintended consequences. I also suspect that, as we do not have experience with the delivery of programming in the Internet space, this matter may come before us again. At such time, we will be able to gain useful insight from the deaf and hard of hearing community regarding their experiences with and ability to obtain captioned online content. I also hope that we will learn from owners and distributors about any difficulties in implementing IP closed captioning and reconsider the actions we take today if they prove to be unworkable or overly burdensome. In short, this order may end up being a “beta” version that will require numerous revisions in the future.

I am grateful for the Chairman’s willingness to incorporate many of my suggested edits. I also thank the committed staff of the Media Bureau for their thoughtful efforts in confronting a difficult task.



**STATEMENT OF  
COMMISSIONER MIGNON L. CLYBURN**

*Re: Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, (MB Docket No. 11-154)*

As we continue to implement the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), I am becoming more and more aware of the importance of this legislation.

To our family members, neighbors, and co-workers living with disabilities, every day presents challenges that the majority of us rarely think about. One of those obstacles is the inability to enjoy wide-ranging video content online with the benefit of captions. The Report and Order we approve today goes a long way toward eliminating that disparity.

Captioned programming on television is currently viewed by people regardless of their hearing abilities. We see, take advantage of, and have grown accustomed to captions on televisions in airports, in fitness centers, restaurants, and other gathering places. But it may surprise many that the ubiquity of captions on the television screen has not resulted in a similar outgrowth for video watched online. It is now time for that to change by using these incredible 21st century technologies. When captioning becomes a part of universal design, everyone wins. For instance, when videos are captioned, deaf and hard of hearing students can learn alongside hearing students. Hearing students see how words are spelled, and the visual text reinforces the message that they hear. All of this helps them learn how to read and write. Out in the community, the information flows much more freely and everyone benefits at home, at school, in the workplace and anywhere that people meet.

The CVAA, from which this rulemaking flows, is one of the most important pieces of legislation for the deaf and hard of hearing community since the passage of the ADA more than two decades ago. In that time, we have seen an explosion of revolutionary Internet-based telecommunications and video programming technologies. Yet, the tremendous promise of these technologies has remained largely inaccessible to Americans who are deaf or hard of hearing. The CVAA intends to bridge this divide.

With the abundance of video content on the Internet, knowing that I can sit in front of my computer and enjoy an online experience, while a deaf or hard of hearing neighbor cannot, is a problem that I am pleased we are finally taking steps to address. But the promise of this rulemaking is much more than closed captioning for Internet-delivered content. Its true aim is equal access for all Americans to the video programming that forms the lifeblood of our civil discourse and the marketplace of ideas embodied in the First Amendment. Its expectation is that the cultural, political, employment, and participatory opportunities of the 21st century will be available to all. And its promise is that accessibility will no longer be an afterthought, and that America will leverage its national ingenuity and technological prowess, to ensure that accessibility is a cornerstone of Internet video programming, now and into the future.

In this rulemaking, we have fought to ensure that these expectations are fulfilled. While our work is not yet finished, we believe the results of the rule making are a promising first step toward bringing video programming into the 21st century for all Americans.